

**REMARKS**

Claims 1-36 are pending in this application. Reconsideration and withdrawal of the rejection in view of the following remarks is respectfully requested.

Applicant appreciates that the Office Action indicates that claims 4-7, 16-19 and 28-31 contain allowable subject matter. However, for at least the reasons discussed below, Applicant respectfully asserts that all claims contain allowable subject matter.

The Office Action objects to the title of the invention for not being descriptive. The title has been amended to obviate the objection. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to the specification.

The Office Action rejects claims 1-3, 8-15, 20-27 and 32-36 under 35 U.S.C. §102(b) as being anticipated by JP 09-98503 to Hisamitsu et al. (hereinafter "Hisamitsu"). Applicant respectfully traverses this rejection.

The Office Action asserts that Hisamitsu teaches all of the features recited in independent claims 1, 13 and 25. However, Hisamitsu does not teach a control apparatus for a secondary battery incorporated in a vehicle including at least "predicting means for predicting, ascribable to said state quantity, a degree of deterioration of secondary battery due to charging in regenerative braking of said vehicle," as recited in claim 1 and similarly in claims 13 and 25.

Hisamitsu in paragraphs [0009] and [0014]-[0016] teaches detecting the remaining capacity value of the DC battery based upon temperature. Further, Hisamitsu teaches that the amount of regeneration of the motor is controlled by a motor controller through a power inverter circuit. However, Hisamitsu does not teach "predicting ascribable to said state quantity, a degree of deterioration of said secondary battery due to charging a regenerative braking of said vehicle, and limiting, based on said prediction degree of deterioration, an

amount of electric energy to be charged in said regenerative braking," as recited in claims 1, 13 and 25.

For at least the reasons above, Hisamitsu cannot reasonably be considered to teach the combinations of all of the features recited in at least independent claims 1, 13 and 25. Further, claims 2-12, 14-24 and 26-36 would also not have been suggested by the applied reference for at least the respective dependency of these claims on allowable independent claims 1, 13 and 25, respectively, as well as for the separately patentable subject matter that each of these claims recite.

Accordingly, reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §102(b) are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-36 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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